



Entered on Docket
October 14, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

**USA COMMERCIAL MORTGAGE
COMPANY,**

Debtor.

Case No. BK-S-06-10725-LBR
Chapter 11

**Order Sustaining Third Omnibus
Objection Of USACM Trust To Proofs Of
Claim Based In Part Upon Investment In
The Hesperia II Loan; Except for Claims
of Roy R. and Nancy Ventura, and Notice
of Status Conference re Roy R. and Nancy
Ventura Proofs of Claim**

Hearing Date: September 30, 2011
Hearing Time: 9:30 a.m.

Status Conference: November 15, 2011
Time: 9:30 a.m.

The Court having considered the "Third Omnibus Objection Of USACM Trust To Proofs Of Claim Based In Part Upon Investment in The Hesperia II Loan." ("Hesperia II Loan") [DE 8883] (the "Objection"); the Court having heard the Objection on September 30, 2011; appropriate notice of the Objection having been given; Roy R. and Nancy Ventura having filed a response in opposition to the Objection [DE 8930, 9220]; no other

1 responses to the Objection having been filed; the Court noting on the record that the
2 disallowance of the Claims listed on **Exhibit A** does not affect the direct lenders' right to
3 repayment by the borrower or from the collateral securing the Hesperia II Loan; and good
4 cause appearing:

5 **IT IS ORDERED** that:

6 1. The Objection [DE 8883] is sustained, except as to Proof of Claim Nos.
7 10725-00638 and 10725-00639 filed by Roy R. and Nancy Ventura (the "Ventura
8 Claims");

9 2. The claims listed on **Exhibit A** attached, except for the Ventura Claims, are
10 80% disallowed and 20% allowed to the extent those claims are based upon an investment
11 in the Hesperia II Loan;

12 3. A status conference regarding the Objection is set before this Court on
13 **November 15, 2011 at 9:30 a.m.** at the U.S. Bankruptcy Court, 300 Las Vegas Boulevard
14 South; Courtroom # 1, Las Vegas, NV 89101;

15 4. If the Venturas fail to appear at the status conference, the Court may deem
16 their response to have been withdrawn and sustain the Objection without further
17 proceedings, meaning that the Ventura claims would be disallowed;

18 5. The Venturas may appear telephonically at the status conference on
19 November 15, 2011 by sending a written request to the Honorable Linda B. Riegle, U.S.
20 Bankruptcy Court; 300 Las Vegas Boulevard South; Las Vegas, NV 89101. The Venturas
21 can also send a facsimile request to 702-527-7015. The written request must be received
22 by the Court on or before November 8, 2011 or it will be denied without good cause shown
23 for failing to timely request permission to appear telephonically; and

24 6. Once the Court grants permission to appear telephonically, the Venturas
25 should contact CourtCall at least 48 hours prior to the hearing by telephone at 1-888-882-
26 6878, or by facsimile at 888-883-2946, to make arrangements for the telephonic
appearance. CourtCall will require the Court location, Judge's name, case name, case
number, and date and time of the hearing. CourtCall charges are to be paid by claimant.

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3 PREPARED AND RESPECTFULLY SUBMITTED BY:

4 **LEWIS AND ROCA LLP**

5
6 By /s/ John Hinderaker (AZ #018024)

7 Robert M. Charles, Jr.

8 John Hinderaker (*pro hac vice*)

9 3993 Howard Hughes Parkway, Ste. 600

10 Las Vegas, Nevada 89169-5996

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11 *Attorneys for USACM Liquidating Trust*

LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

_____ This Court has waived the requirement set forth in LR 9021(b)(1).

_____ No party appeared at the hearing or filed an objection to the motion.

XXX I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

_____ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: <u>Roy R. and Nancy Ventura</u>	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

S/ Roy R. Ventura, Jr., P.E.

Roy R. Ventura, Jr.,
Aceh Road Reconstruction Team Leader U.S. Embassy - Jakarta
USAID
Jakarta/ Aceh, Indonesia
E-mail: rventura@usaid.gov

rec'd 14 Oct. 11

Nancy B. Ventura
Nancy Ventura

Nancy Ventura
U.S. Embassy - Jakarta
Jakarta, Indonesia

Submitted by:
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)
Attorneys for USACM Liquidating Trust

It is intended that this provides for representation by an attorney

14 Oct 2011

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USACM Trust**Hesperia II Loan****Multiple Loan Claims**

Claim	Name	Address	Total Claim Amount	Approximate Amount Subject to Partial Objection Because it Relates to an Investment In the Hesperia II (Southern California) Loan	Amount Disallowed (80%)	Amount Allowed (20%)
10725-02481	Tobias Von Euw Revocable	Trust Dated 11/23/04 C/O Tobias Von Euw Trustee Sun City Aliante 7431 Lintwhite St North Las Vegas, NV 89084-2500	1,468,967.93	100,000.00	80,000.00	20,000.00
10725-00639	Ventura, Roy	American Embassy Jakarta Unit 8135 USAID-PPO-AP-96520	155,828.26	40,000.00	32,000.00	8,000.00
10725-00638	Ventura, Roy-R & Nancy B	American Embassy Jakarta Unit 8135 USAID-PPO-AP-96520	155,828.26	40,000.00	32,000.00	8,000.00
10725-00152	Walker, Linda M	3710 Clover Way Reno, NV 89509	101,500.00	25,000.00	20,000.00	5,000.00

EXHIBIT A

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